United Nations A/62/311

General Assembly

Distr.: General
30 August 2007

Original: English

Sixty-second session
Item 140 of the provisional agenda*
Administration of justice at the United Nations

Activities of the Ombudsman

Report of the Secretary-General**

Summary

The General Assembly, in its resolution 59/283, entitled "Administration of justice at the United Nations", having stressed the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

The present report covers the operations of the Office of the Ombudsman for the period from 1 September 2006 to 31 July 2007 and provides an overview of the first five years of the Office's operations.

* A/62/150.

** The submission of the report has been timed to coincide with the end of the five-year mandate of the first United Nations Ombudsman.

07-49382 (E) 011007

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I. Introduction

1. This is the third report of the Secretary-General to the General Assembly on the activities of the United Nations Ombudsman (previous reports, see A/60/376 and A/61/524). In paragraph 22 of its resolution 59/283, the Assembly requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

2. The present report covers the operations of the Office of the Ombudsman during the period from 1 September 2006 to 31 July 2007 and provides an overview of the first five years of the Office's operations. The report coincides with the end of term of the first United Nations Ombudsman (July 2002 to July 2007).

3. The establishment of the Office in 2002 provided, for the first time, a dedicated mechanism available to all staff of the United Nations, wherever located, for the informal resolution of employment-related conflicts on the basis of the principles of confidentiality, impartiality, independence and neutrality. Within the terms of its mandate, the Office also makes recommendations for changes in policy or practice where a particular dispute or set of issues reflect a larger systemic problem fostering conflict or dissatisfaction in the workplace.

4. The Ombudsman reports regularly to the Secretary-General on the activities of the Office and raises relevant issues with management and staff, when deemed appropriate, to facilitate conflict resolution and contribute to managerial excellence.

5. An early challenge that the Ombudsman faced was to create an awareness of the existence of the Office and of how to access it. Through continuing outreach efforts and field visits, staff worldwide were apprised of the existence of this new mechanism and of its scope of operation. The increasing number of cases submitted to the Office for resolution shows that the effort was successful and that the Office has been truly established as a "zero-barrier" facility for all staff regardless of level or location.

6. In May 2007, an assessment of the Office's experience, activities and operations over its first five years was carried out by an independent panel of experts in the field of alternative dispute resolution.[1] While the independent panel found that the Office of the Ombudsman had been very effectively launched and its credibility well established, the panel emphasized that the resources provided for the Office remained insufficient for the tasks to be carried out, particularly in view of the increasingly important position that the Office will occupy in the new United Nations justice system. Indeed, with some 60 cases being opened per month, the strengthening of the Office of the Ombudsman, as recommended by the Redesign

[1] The members of the review panel were: Sarah Christie, Judge on the World Bank Administrative Tribunal and Mediator in Labour Relations at Cape Town University; David B. Lipsky, the Anne Evans Estabrook Professor of Dispute Resolution and Director of the Institute on Conflict Resolution, School of Industrial and Labor Relations, Cornell University; Jean Quesnel, Director of the Evaluation Office, UNICEF, and Alfonso Sánchez, former World Bank Ombudsman.

Panel on the United Nations system of administration of justice, takes on increased urgency.

7. In spite of the constraints, as at 31 July 2007 a total of 2,664 cases had been taken up by the Office since 2002 (139 in 2002; 410 in 2003; 420 in 2004; 633 in 2005; 637 in 2006; and 425 from January to July 2007). That represents 8 per cent of the total constituency of the Office, estimated at 33,000 staff members worldwide. Almost 70 per cent of the cases have come from staff in offices away from Headquarters and in peacekeeping missions. A total of 47 per cent have come from staff in the Professional category and above, and 40 per cent from staff in the Field Service, General Service and related categories. The remaining 13 per cent include national staff in peacekeeping missions, former staff and retirees. The majority of cases have been related to career-development, promotion, separation and termination issues, and interpersonal conflict.

8. It should be noted that the cases received by the Office for informal resolution have become increasingly complex, often involving more than one party and requiring extensive consultations between the parties and interaction with staff at several levels of the Organization. In order to address such complex situations, mediation services and other informal resolution tools have been utilized.

9. The ongoing monitoring of systemic dysfunctions has been an important feature of the Office's operations and has required that a continuing dialogue be maintained with both staff and management. Much progress has been made in the implementation of many of the key proposals and recommendations contained in the Office's previous annual reports. These include recommendations on mission readiness; enforcement of the zero-tolerance policy; a review of the various types of contractual arrangements; expanded orientation for new staff members; and enhanced leadership and managerial training. Other systemic issues and challenges include the need for better use of the performance appraisal system; mobility; and career development, particularly for staff recruited through the national competitive examination. Special attention also needs to be paid to improving facilities and mechanisms so as to provide medium- and long-term support to staff who have experienced trauma while in the service of the Organization. The cooperation of all parts of the system with the Office of the Ombudsman has been and will continue to be crucial in preventing the escalation of conflict and in contributing to the creation of a better, fairer and more harmonious workplace.

10. It is expected that the implementation of the recommendations of the Redesign Panel relating to the Office of the Ombudsman will enhance the effectiveness of the Office in resolving conflicts, including through binding mediation agreements. The establishment of regional branches at 10 other duty stations (in Nairobi, Geneva, Amman/Beirut, Santiago/Panama City, Bangkok, Addis Ababa, Liberia, the Sudan, the Democratic Republic of the Congo and Dakar) will improve field staff's access to the services of the Office and will enable the Office to respond swiftly to problems brought to its attention, especially where time-sensitive matters are at stake. A presence in the field will also enable the Office to play a more effective role in identifying systemic problems and to act as an early warning mechanism for local management about festering issues.

11. The unification of the Office of the United Nations Ombudsman with the Office of the joint Ombudsperson for the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations

Children's Fund (UNICEF) and the United Nations Office for Project Services (UNOPS) and with the Office of the Mediator of the Office of the United Nations High Commissioner for Refugees (UNHCR), will centralize the role of the Ombudsman among the offices of the Secretariat and the funds and programmes and allow for a broad overview of systemic issues, while at the same time enabling the Office to study best practices that may be adopted system-wide.

12. The Office is continuing to harmonize its practices with those of the Office of the joint Ombudsperson (UNDP/UNFPA/UNICEF/UNOPS) and of the Office of the UNHCR Mediator and is preparing a road map to ensure a smooth transition to integration and to the adoption of its expanded functions.

II. General principles and provision of services

A. Terms of reference

13. The terms of reference of the Ombudsman, which were the subject of consultations within the Staff-Management Coordination Committee during its twenty-fifth session, held from 4 to 12 October 2001, were promulgated in Secretary-General's bulletin ST/SGB/2002/12 of 15 October 2002.

14. The terms of reference state that the Ombudsman shall have authority to consider conflicts of any nature related to employment by the United Nations. The term "conflict" includes, inter alia, matters pertaining to conditions of employment, administration of benefits and managerial practices, as well as professional and staff relations matters. More specifically:

(a) *Working principles*. The Ombudsman is independent of all United Nations organs or officials. The Ombudsman is appointed by the Secretary-General to a non-renewable five-year term. After expiration of the term, the Ombudsman is ineligible for any other appointment in the United Nations. The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention. The Ombudsman does not keep records for the United Nations or any other party and does not disclose information about individual cases or visits from staff members. The Ombudsman cannot be compelled by any United Nations official to testify about concerns brought to his or her attention. The Ombudsman does not have decision-making powers, but advises and makes suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member, and the equities of the situation;

(b) *Reporting line and access to the Secretary-General*. The Ombudsman has direct access to the Secretary-General, as needed, for the performance of his or her functions, reports regularly to the Secretary-General on his or her activities and has the right to comment on policies, procedures and practices that have come to his or her attention;

(c) *Access to records*. The Ombudsman has access to all records concerning staff, except medical records;

(d) *Access to the Ombudsman.* All staff members have voluntary access to the Ombudsman. No person who brings a matter to his or her attention shall be subject to reprisals because of such action. The Ombudsman does not review cases that are already in the formal process.

B. Budgetary and staffing matters

15. The Office was established with the posts of an Ombudsman at the level of Assistant Secretary-General for a non-renewable five-year term and a Legal Officer (P-4). A D-1 post was loaned, on a non-reimbursable basis, to the Office from UNICEF, and two General Service staff and two Professional staff were recruited on a temporary basis to enable the Office to start operations. A D-1 post for the biennium 2004-2005 was approved by the General Assembly. Under the support account for peacekeeping operations, posts for a Case Officer (P-4) and one General Service staff member were approved for 2004-2005 and have been renewed in successive years.

16. To assist in furthering the Office's mandate and in enhancing accessibility for staff outside United Nations Headquarters, a branch of the Office of the Ombudsman was established at the United Nations Office at Vienna from June 2003 to March 2005. To succeed that pilot project, the Office proposed in 2005 that three regional branches be established, in Geneva, Nairobi and Vienna.[2] That proposal was in concurrence with the recommendations of the General Assembly in its resolution 59/283, which stressed the importance of the Office of the Ombudsman as a primary means of informal dispute resolution and requested that the Office continue and expand its outreach activities.

17. The General Assembly, in the budget for the biennium 2006-2007, approved the continuation of the three existing positions for the Office of the Ombudsman (1 Assistant Secretary-General, 1 D-1, 1 P-4) and the establishment of four new positions (1 P-5, 1 P-3 and 2 General Service positions) (for organization chart, see annex I). The creation of three Chief of Branch positions in Geneva, Nairobi and Vienna at the D-1 level was also approved within existing resources (see resolution 60/274 A). The Advisory Committee on Administrative and Budgetary Questions noted in its report (A/61/936, para. 16) that the Secretary-General's efforts to identify three posts for the regional Ombudsmen had not yet been successful and recommended the establishment of temporary positions funded through general temporary assistance for the period from 1 July to 31 December 2007. Subsequently, the Administrative and Budgetary Committee (Fifth Committee) postponed consideration of the matter to the sixty-second session of the General Assembly in the context of the programme budget for the biennium 2008-2009.

[2] See A/60/376, para. 11.

III. Statistical information on cases and analysis of data

A. General information

18. Since the Office commenced operations in October 2002, 2,664 cases have been opened and 2,316 cases have been closed. The total number of cases represents approximately 8 per cent of the total population of approximately 33,000 staff members worldwide. The Office estimates that in more than two thirds of the cases amenable to informal resolution, solutions are reached that are agreeable to all parties. Resolution does not necessarily mean that the outcome initially desired by the staff member was achieved, but it does mean that the issue has been concluded in an agreed fashion.

19. During the present reporting period, from 1 September 2006 to 31 July 2007, 667 new cases were opened — almost 61 each month. That represents a 50 per cent increase over the number of cases for the period 2002 to 2004, when the Office was opening fewer than 40 new cases per month. The figures below illustrate the steady upward trend in the number of cases over the past five years. That increase can be attributed to the overall growing acceptance by staff members of the concept of informal dispute resolution and of the role of the Office of the Ombudsman.

20. In the cases opened during the period under review, women initiating cases outnumbered men 49 per cent to 48 per cent, while groups constituted the remaining 3 per cent. Over the five-year period, men accounted for 51 per cent of cases, women 47 per cent and groups 2 per cent.

B. The case-handling process

21. In the resolution of conflict, the Ombudsman does not act as an advocate for any party but is guided by the Charter and the Staff Regulations and Rules as well as by the principles of justice and fairness. In accordance with the terms of reference, all interactions with the Ombudsman are voluntary. A first contact is usually established by a staff member by telephone or by using the online secure contact form. After the first contact, the Ombudsman will establish the facts of the case and determine how the case should be addressed. Depending on the specific requirements of the individual case, the Ombudsman may seek to facilitate conflict resolution using any of the following approaches:

(a) *Mediation*. Mediation enables and assists parties to frame their issues, structure negotiations and recognize their own interests as well as the interests of the other parties. Mediation, through the hearing of different viewpoints, is aimed at resolving disputes and conflicts and finding mutually acceptable solutions. Professional staff members of the Office have been externally certified as mediators. As part of mediation, the Office may also make use of its good offices or of shuttle diplomacy when there is fear of retaliation or confrontation and the Office is asked to act as a liaison between parties to share information and find compromises. To date mediation has been conducted as a voluntary process.

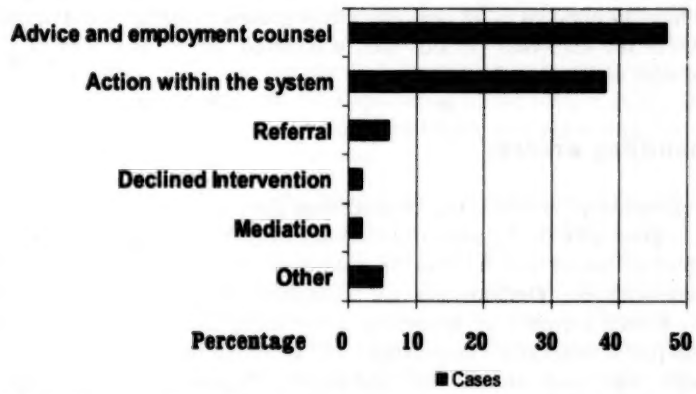
(b) *Action within the system*. Issues will be taken up with the relevant stakeholders and decision makers in the Organization to identify mutually acceptable solutions and prevent disputes from escalating. Good offices are exercised at a level sufficiently senior to ensure fair and neutral consideration of the

interests of all parties to a dispute. The level of the Ombudsman and the direct reporting line to the Secretary-General ensure that there is receptivity for the Office's recommendations from even the most reluctant of parties to a dispute.

(c) *Referral.* The Office acts as a clearing house for information about the Staff Regulations and Rules, guiding staff members directly to the office that can best address his or her concerns.

(d) *Coaching, advice and employment counsel.* Coaching can help to strengthen an individual's skills and ability to resolve a particular dispute, prevent or minimize brewing disputes as well as generally manage conflicts in his or her environment. Coaching is an action-oriented process, and the relationship between the coach and his or her client is future-oriented and focuses on the client's current situation and plans for moving forward. Through advice and counselling, staff members are empowered to explore options and help themselves in the process of balancing their goals and objectives against the goals and interests of the Organization.

Figure I
Type of service provided
(1 October 2002-31 July 2007)



"Other" includes cases already in the formal system of justice, cases sent to the Ombudsman for information only and cases that staff decided not to pursue.

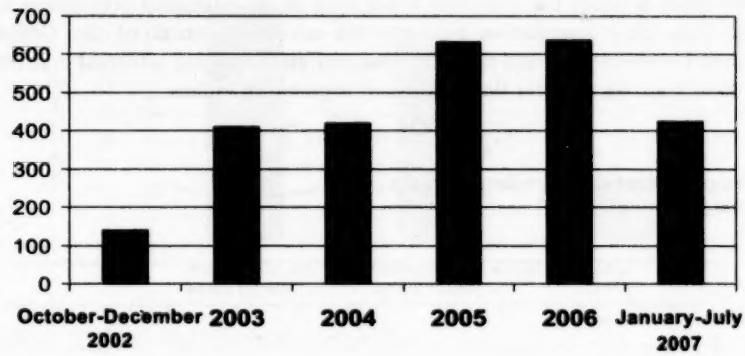
Source: Office of the Ombudsman, July 2007.

22. Figure I describes the type of service provided by the Office of the Ombudsman. Advice and employment counsel (provided in almost half of the cases) includes coaching and helping staff to explore their options and solutions to work-related problems. The Office also helps staff in identifying the appropriate office to which they can direct a complaint or from which they can obtain an entitlement.

23. Direct action by the Ombudsman within the system to resolve a problem brought to the attention of the Office is undertaken in 38 per cent of cases. Contact with a third party is made only with the authorization of the staff member concerned. After an analysis of the situation and contact with all parties concerned, the Office makes recommendations to address the issues. Staff are referred to other

offices in 6 per cent of cases, while direct mediation is used in approximately 2 per cent. The category "Other" includes cases that were already in the formal system when the Office was contacted or cases where staff decided not to pursue the matter further.

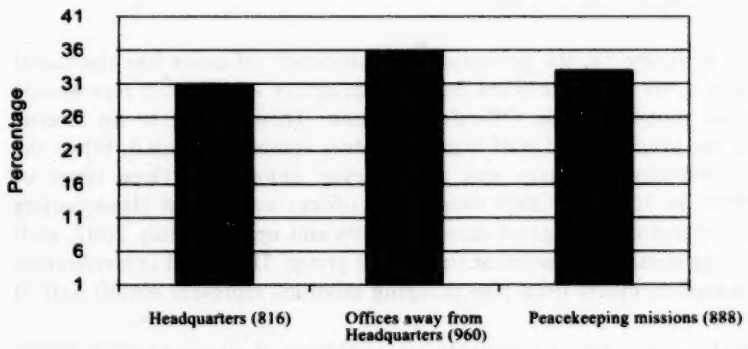
Figure II
Total number of cases per year since inception
(1 October 2002-31 July 2007)



Source: Office of the Ombudsman, July 2007.

24. Figure II shows the number of cases per year since the Office's inception. The number of new cases remained stable during the initial two full years of operation, with 410 and 420 new cases in 2003 and 2004. That number increased sharply in 2005 and 2006, with 632 and 637 new cases, respectively. A total of 425 new cases were opened between January and July 2007, and, if that trend continues, 2007 will show a significant increase. From October 2002 to the end of July 2007, 2,664 cases were opened in total, of which 2,316 have been closed.

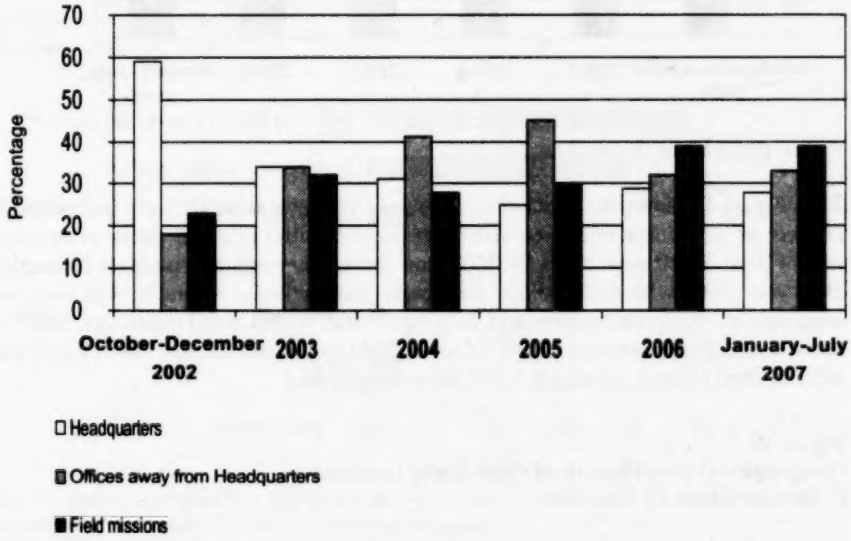
Figure III
Geographical distribution of cases since inception
(1 October 2002-31 July 2007)



Source: Office of the Ombudsman, July 2007.

25. Figure III shows the geographical distribution of cases since the Office's inception. It also indicates the total number of cases coming from each of the three main locations (United Nations Headquarters, offices away from Headquarters[3] and peacekeeping missions). The numbers are quite similar, with cases almost evenly distributed between those locations. However, if one compares the number of cases to the estimated population of those locations, some differences become apparent. At Headquarters, 815 cases represent approximately 12 per cent of a total population of 6,700 staff members. At offices away from Headquarters, 958 cases constitute about 9 per cent of approximately 10,500 staff, while in peacekeeping missions, 886 cases account for less than 6 per cent of an estimated population of 15,800 staff. This clear correlation between the current location of the Office (United Nations Headquarters) and the percentage of staff seeking informal conflict resolution makes a strong case for the creation of regional branches.

Figure IV
Trends in geographical distribution of cases
(1 October 2002-31 July 2007)



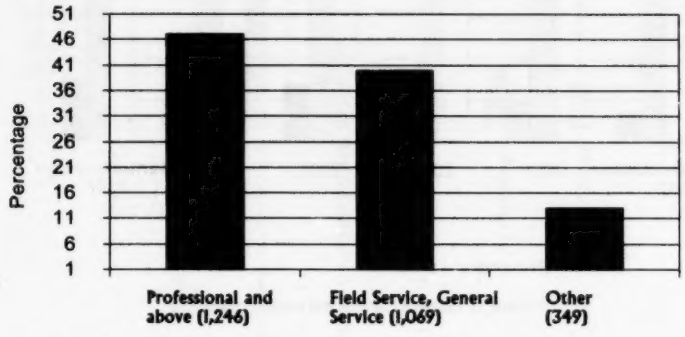
Source: Office of the Ombudsman, July 2007.

26. As shown in figure IV, the geographical distribution of cases has fluctuated over the past five years. Staff members from Headquarters were highly represented during the initial months of the Office's operation. Then, owing to an intense outreach effort, the proportion of staff from other duty stations increased. While the geographical distribution of cases was almost even among the three types of locations in 2003, in 2004 and 2005 those from offices away from Headquarters represented the largest percentage of cases. In 2006 and up to 31 July 2007, staff from peacekeeping missions constituted the largest group. That trend is a reflection of the fact that staff members from peacekeeping missions represent almost half of

[3] Includes the United Nations Offices at Geneva, Nairobi and Vienna, the regional economic commissions, the Tribunals for Rwanda and the former Yugoslavia, and others.

the total constituency. A large majority of contacts with those persons are made through telephone conferences scheduled at the convenience of the staff.

Figure V
Breakdown of cases by occupational category
(1 October 2002-31 July 2007)

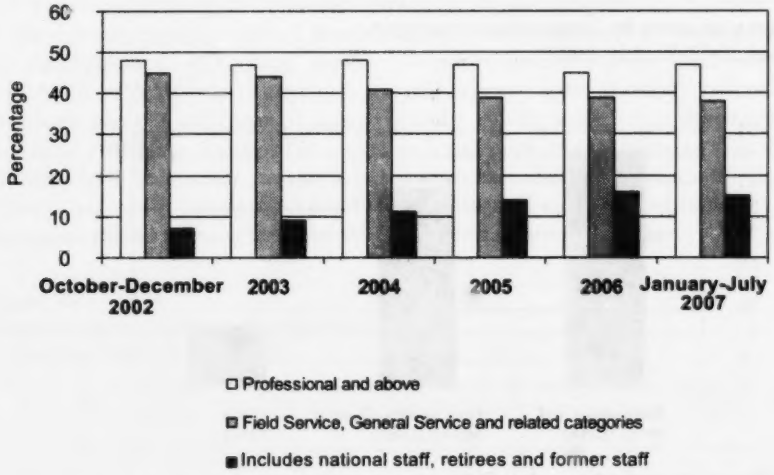


Source: Office of the Ombudsman, July 2007.

27. The breakdown of cases between 2002 and 2007 presented in figure V shows that approximately 47 per cent of the cases were initiated by staff members from the category "Professional and above",[4] which forms 30 per cent of the total constituency (approximately 10,000 staff out of approximately 33,000 United Nations staff served by the Office). The second-largest group, which comprises the Field Service, General Service and related categories, accounted for 40 per cent of the cases. That is more or less in keeping with its percentage of the overall population (approximately 11,600 staff members, or 35 per cent). The third category, "Other"[5] constituted 13 per cent of the cases. That category includes national staff, who initiated approximately 6 per cent of the cases brought to the attention of the Ombudsman; they form a group of approximately 11,400 persons, amounting to almost 35 per cent of the total population. Coverage of that category by the Ombudsman requires an ongoing outreach effort owing to the establishment of new missions and the consequent recruitment of new national staff, most of whom lack previous experience with the United Nations system.

[4] Includes Professional and project staff, Director and above.
[5] Includes national staff, retirees, former staff, interns, consultants and contractors.

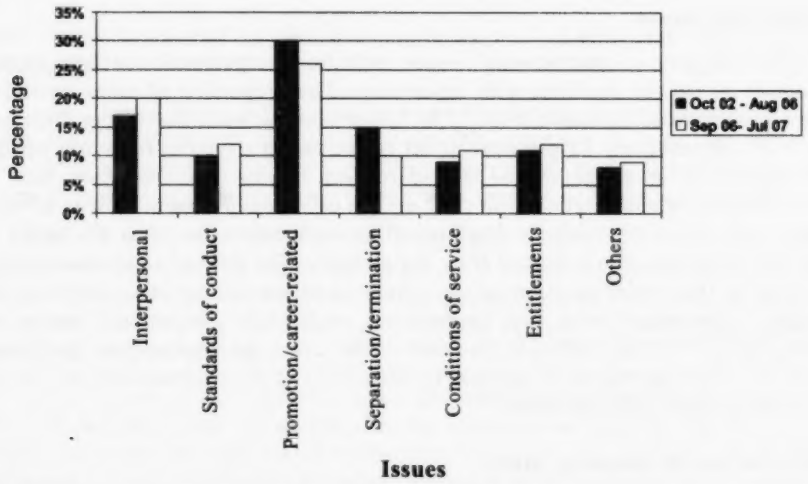
Figure VI
Breakdown of cases by occupational category per year
(1 October-31 July 2007)



Source: Office of the Ombudsman, July 2007.

28. Figure VI presents a breakdown of cases by occupational category per year. As noted in last year's report (A/61/524), the balance between the main categories has remained relatively constant over the years. The category "Professional and above" continued to average between 48 and 45 per cent over the five-year period. The second-largest group, comprising the Field Service, General Service and related categories, declined from 45 per cent in 2002 to 38 per cent in 2007. The third category, composed of all other groups (national staff, retirees and former staff) has increased regularly over the years, from 9 per cent in 2003 to 16 per cent as at 31 December 2006.

Figure VII
Breakdown of cases by issues
(1 October 2002-31 July 2007)



Source: Office of the Ombudsman, July 2007.

29. Figure VII indicates the distribution of issues raised by those who sought the assistance of the Office. It includes a comparison between the averages from October 2002 to August 2006 and in the current reporting period, from September 2006 to July 2007. The level of consistency over the two periods has to be highlighted. By and large, the persons who contact the Office of the Ombudsman have tended over the years to report at consistent rates the various types of problems cited.

Promotion- or career-related issues

30. The most important type of issue raised by staff is promotion- or career-related. Over the past five years, this category has consistently remained the most important, amounting to approximately 29 per cent of the total number of cases. This category includes issues related to the performance appraisal system and its impact on staff careers. Many staff assume that negative comments will permanently harm their careers, and, indeed, it is often difficult for a staff member to overcome negative comments in an appraisal even when the staff member is successful in the rebuttal process, as there is no provision for those comments to be withdrawn even when the overall rating is changed.

Mobility and career development

31. This category also includes mobility and career development. Such cases often involve individuals who feel that their careers have plateaued and that their prospects of upward mobility are few. Some are not seeking promotion, but want to move to posts where the work is more fulfilling. In applying for other positions, they often feel disempowered regarding their career development. Mobility

continues to be a major source of anxiety for staff, with the implementation of the managed reassignment programme (ST/AI/2006/3 and ST/AI/2007/2), and in spite of the grade-by-grade and case-by-case approach developed by the Office of Human Resources Management of the Secretariat.

Interpersonal issues

32. The category of interpersonal issues includes interpersonal conflicts among colleagues as well as conflicts with supervisors. The proportion of cases involving these types of issues increased from 17 to 22 per cent, between September 2006 and July 2007, representing 18 per cent of all issues raised over the five-year period. Such issues include allegations of lack of respect, threats or intimidation, lack of communication or consultation with staff, and an office environment seen as adverse or that undermines productivity. Staff reporting such issues are often too afraid to allow the Ombudsman to contact their supervisors. The fear of retaliation is still real, despite the implementation of the policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (ST/SGB/2005/21). In many of the cases, an intervention (facilitated mediation, coaching one or all parties) by the Office of the Ombudsman has had an immediate impact on the situation.

Separation and termination issues

33. The category of separation/termination includes cases of staff from missions being downsized or whose contracts are not being renewed. It also concerns staff whose posts have been abolished or who have remained on temporary contracts for extended periods. During the period from October 2002 to July 2007, that category constituted approximately 14 per cent of the cases. Staff members are encouraged to seek the assistance of the Ombudsman at the earliest opportunity. In such cases, the Ombudsman will work closely with the relevant offices to try to identify possible solutions, including alternative placements, as appropriate.

Entitlements

34. The entitlements category includes mostly cases of administrative error or oversight in the administration of staff benefits. The percentage of cases that fall in this category has decreased slightly over the years, but is still at 11 per cent of the total number of cases. In some cases brought to the attention of the Ombudsman, the staff member who is affected by the decision is expected to assume the cost of the negligent oversight. Such situations create a deeply felt sense of injustice among staff members. The departments and offices concerned have been cooperative in finding solutions to many of those cases.

Standards of conduct

35. Cases related to violations of the standards of conduct remain significant, at 10 per cent of the total number of cases. They include staff reporting situations of perceived discrimination and harassment, including sexual harassment, by a colleague or supervisor and seeking guidance on the applicable Staff Regulations and Rules. They also include a significant percentage of staff subject to formal investigations or disciplinary procedures who seek guidance on how to manage a situation they often do not understand, or staff having to manage the work

environment, sometimes in the face of ostracism, during the protracted period of the formal process. The Ombudsman does not address the substance of such cases.

C. Peacekeeping missions

36. Cases from staff in peacekeeping missions generally fall into five broad categories:

(a) Cases where a rule relating to an entitlement or benefit appears to have been wrongly construed or interpreted. In this category of cases, the Office will encourage the taker of the decision to re-examine the case. The Office has often been successful in attaining an outcome that is favourable to the staff member;

(b) Cases where there has been compliance with the wording of the rules but where evidence exists of manipulation aimed at securing a desired outcome and/or where extraneous factors were taken into consideration. In this category, the Office will seek to facilitate a resolution that is fair and equitable by proposing options that could lead to a fair outcome;

(c) Cases of administrative oversight that have resulted in a financial loss to a staff member, such as a delay in the payment of salaries resulting in cost implications for the staff member, recovery of an overpayment and so on. In this category of cases, generally speaking, the costs of the mistake have largely been borne by the staff member affected, and the Ombudsman seeks to redress the situation;

(d) Cases involving complaints about the adverse impact or discriminatory consequence of a policy, rule or organizational practice that has nevertheless been interpreted correctly. In this category of cases, the Office is limited in its ability to change the outcome of a specific case, but may determine that the issue is a systemic problem needing further review;

(e) Cases where the staff member has no arguable case based on the facts. In this category of cases, an effort is made to make it clear to the staff member that due process has been followed and that there is no arguable case that the Office can pursue.

IV. Systemic issues: context and challenges

37. Identifying sources of conflict and seeking to address their root causes is crucial to the elimination of conflict and the promotion of greater harmony in the workplace. Conflicts arise where expectations differ among parties. Minimizing divergences of opinion between staff and managers through the promotion of a common set of acceptable norms and standards in every area of United Nations practice is therefore a key tool for preventing disputes from escalating and for promoting the effective, unified functioning of the Organization.

38. True to its role as a catalyst for change, the Office has since its inception attached great importance to its responsibility for defining systemic malfunctions and making recommendations for changes in policies and practices that would address such systemic malfunctions, in accordance with paragraph 3.11 of its terms of reference. In its previous two reports (A/60/376 and A/61/524), the Office

highlighted some of the more common root causes of conflict and dissatisfaction among staff. It highlighted, inter alia, the need to protect from retaliation individuals who disclose evidence of wrongdoing; the need to thoroughly implement the zero-tolerance policy against discrimination; the need to clarify the respective roles of offices in the conflict-resolution system; and the need for improved training for managers. It also called upon the Organization to further disseminate information and raise awareness among staff about the conduct required of them as international civil servants and to enforce consistently penalties for non-compliance. It called upon managers to be fully engaged in the electronic performance appraisal system in order to enhance its use as an effective tool for monitoring and improving staff performance. The Office has also highlighted the need for the harmonization of the various contractual arrangements used by the Organization.

39. The organizational response to the Office's recommendation has been positive. The ambit of training packages for managers and staff has been expanded. A policy protecting against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (ST/SGB/2005/21) has been introduced. There has been a major overhaul and rethinking of the internal justice system aimed at putting in place a new and modified mechanism to improve access to and delivery of justice and expand the use of informal conflict resolution. Most missions have adopted the electronic performance appraisal system for evaluating staff performance, and managers are increasingly using the system in accordance with its intended purposes. The issue of the harmonization of contracts has been taken up in the Secretary-General's reform package (see A/60/692 and Corr.1 entitled "Investing in the United Nations: for a stronger Organization worldwide").

40. While important steps have been taken to implement many of the past recommendations of the Ombudsman, others remain unaddressed. In the paragraphs below, some of those issues are revisited within the context of the major causes of staff complaints during the Office's first five years.

Staff selection system

41. As noted in earlier parts of the present report, throughout the past five years promotion-and-career-related issues have been at the heart of the largest proportion of complaints from staff members who approach the Office. With the elimination of promotion per se, and the sole means of movement to a higher level being through the competitive selection process, the effective functioning of the Organization's staff selection system and recruitment procedures has taken on crucial importance, as it is pivotal to a satisfied organizational workforce. A system that is viewed by managers and staff as not transparent or based on merit can foster widespread dissatisfaction.

42. The present staff selection system (see ST/AI/2006/3) reflects a drastic shift of functions and powers away from human resources officers and the central review bodies to programme managers. Those recruitment functions add another layer of responsibility for programme managers and their staff and compete with their substantive functions. There are risks inherent in expecting staff to perform the functions associated with the recruitment process if the corresponding resources required to meet the added responsibilities are not provided. Also, the shift in responsibilities — as missions have been delegated a substantial portion of the procedures for the clearance of candidates — has often translated into a shift from

an objective assessment of the qualifications and experience of a candidate to a more subjective evaluation based on prior knowledge of the person as the key factor in selection.

43. In addition, the delays inherent in the system for clearing candidates, which are due to the limited staffing capacity of the offices performing those functions, often result in the applications of many external candidates remaining unreviewed, thus limiting the Organization's ability to attract competent and suitably qualified external candidates. Also, with the absence of substantive input by human resources staff in a large part of the process, there is inadequate oversight of the kind that would ensure compliance with key organizational policies relating to recruitment, including, inter alia, those aimed at ensuring gender balance, maintaining a system-wide geographical balance and giving the relevant priority to candidates recruited through the national competitive examination. In such circumstances, candidates often feel that recruitment is biased towards preselected and favoured candidates. Several complaints received by the Office involve staff members who feel that they have been unfairly excluded from the shortlist for positions and attribute such exclusion to extraneous factors unrelated to their qualifications for the job.

Mobility

44. The mobility is aimed at developing a multi-skilled and versatile staff, promoting a more integrated approach to the many facets of the Organization's work and providing staff with more varied career opportunities. Although it was designed as an integral part of the staff selection system, the lack of sufficient integration between the two is creating roadblocks that could seriously hinder its successful implementation. There is a need to address the inherent conflict of interest between line managers, who are focused on immediate tasks, and the Organization, which looks at long-term interests. In order for mobility to be facilitated, it is imperative that, as staff members reach their threshold for rotation, a large enough number of posts be available for which they can apply. If staff members are able to exchange places only with people from their own specialized field, it will not be possible to achieve the objective of the mobility programme in terms of ensuring real career growth for staff. At the same time, vacancy announcements are requiring an increasing number of years of specialized experience. That promotes the creation of a highly specialized workforce with limited transferable skills and thus works counter to the goal of producing a multi-skilled workforce.

45. Some other difficulties inherent in the mobility programme need to be considered further. The initial approach taken, in which mobility would be phased in according to an established schedule by level and/or grade, give rise to the possibility of managers making cases for exceptions, and the fact that some staff members in large offices can swap posts without changing duty stations or even departments is affecting staff's perception of the transparency and fairness of the whole approach. Addressing and clarifying those issues and increased communication on the topic are necessary for the initiative to succeed.

Locally recruited staff

46. The different sets of benefits and entitlements for locally and internationally recruited staff members are a constant cause for complaint on the part of this significant part of the staff population. The most common sources of benefit-related complaints relate to the inadequacy of medical coverage, the failure to provide reimbursement for the installation of security measures in areas of insecurity, the absence of a similar duty to evacuate in time of crisis as applies to internationally recruited staff, the alleged disparity between the conditions of service of locally recruited peacekeeping personnel and locally recruited staff of the funds and agencies, and insufficient training opportunities for locally recruited staff. Locally recruited staff also state that they feel adversely affected during mission liquidations, when, owing to reduced staffing, workload is heavy and local staff have to work overtime, but may not be appropriately compensated, as the Organization often cancels overtime payments during the liquidation stages.

Contractual practices

47. Another major source of concern relates to the contractual arrangements currently used by the Organization:

(a) Many individuals provide services to the United Nations Secretariat but are contractually administered by UNDP or UNOPS. The discrepancy between the benefits and entitlements accorded such personnel and those received by staff members of the Secretariat sometimes causes tension among staff members serving in the same duty station;

(b) The implications of the Organization's departure from the policy of permanent contracts for staff may also need to be reviewed. Today, with fewer than 15 per cent of staff members holding permanent contracts, concern about contract renewal is widespread. The delegation of authority to managers has also resulted in staff often feeling disempowered and threatened by any hint of conflict with their supervisor.

Special entities established by the United Nations

48. The status of special entities jointly established with the United Nations, such as the Special Court for Sierra Leone and United Nations Assistance to the Khmer Rouge Trials, must be reviewed. At present, most of the personnel of those entities fall outside the scope of organizational mechanisms for the protection of staff rights, e.g., the performance appraisal system and the formal justice system. It is important that steps be taken to align their rights with those of regular staff members of the Secretariat, particularly given the opportunity that exists to do so in the framework of the current review and restructuring of the United Nations system of administration of justice. That will become increasingly important if further cooperative arrangements with regional entities are enhanced.

49. The shift by peacekeeping missions from conventional preventive deployment and peace enforcement functions to new roles arising from United Nations nation-building activities (rule of law; capacity-building; disarmament, demobilization and reintegration) has required the Organization to form close working partnerships both with local regional entities and with other international organizations. Effective modalities need to be put in place to address wrongdoing

against staff members by staff of other employers that are not governed by the Charter of the United Nations and its rules and regulations and fall outside the framework of the United Nations disciplinary machinery.

Staff welfare

50. The need to provide welfare and recreation activities for personnel, particularly those in remote operations administered by the Department of Peacekeeping Operations of the Secretariat, is now widely recognized. Staff welfare clubs, gymnasiums and libraries have been established in several missions. However, staff in more remote sub-offices do not always have access to such facilities, nor are the basic necessities for daily living easily accessible to them.

51. The Organization must find creative ways of alleviating the hardships that prevail in such areas and of providing staff members with access to basic necessities and safe goods.

Coverage for psychological care

52. The very nature of the Organization's field operations exposes its employees to a high risk of psychological trauma. The coverage under Appendix D to the Staff Rules on compensation for service-incurred psychological trauma or other resulting mental problems is not sufficiently encompassing, especially with respect to long-term effects. While some action has been taken on a case-by-case basis, the Organization must fully embrace its responsibility for service-attributable injury by ensuring that care or coverage is provided for staff who suffer from psychological or other mental problems as a result of service-related incidents.

V. Outreach and communication activities

53. In paragraph 19 of its resolution 59/283 on the administration of justice at the United Nations, the General Assembly requested the Office of the Ombudsman to continue and expand its outreach activities, in particular to local, national and General Service staff, in order to facilitate equal access and awareness-raising, bearing in mind the structure, activities and operational environment of the Organization. The Office acknowledges the crucial importance of communication for the Office's successful performance and, over the years, has continuously developed and utilized new tools and channels for internal communication.

54. In 2002, a letter from the Secretary-General advised all staff members about the creation of the Office and its purpose and functions. Printed information materials in English and French for desk-to-desk distribution were provided to all offices and missions. The Office also worked closely with the Department of Peacekeeping Operations (Personnel Management Support Service) on its monthly staff newsletter to disseminate information about its services.

55. The major source of information remains the website of the Office of the Ombudsman, which is available on the Internet and Intranet. It contains material in all six official languages of the United Nations and provides up-to-date information on the role of the Ombudsman; the principles on which the work of the Office is based and its modus operandi; and how to contact the Office in a confidential and protected manner, as wells as an electronic feedback form. A revamped website was

launched in April 2005 and is updated regularly. Offices away from Headquarters, peacekeeping missions and other offices of the administration of justice system and relevant departments that have websites have been invited to establish direct links to the site. A seven-minute video (*Meet the Ombudsman*) on the work of the Office has been sent to all offices outside New York and to most peacekeeping missions. The concept for an electronic newsletter has been developed and will be implemented during the next reporting period.

56. Sources of feedback other than the electronic feedback form available on the Office's website include a suggestion box located outside the Office and the e-mails and inputs received from satisfied staff members, who often write to the Office to express their appreciation.

57. To mark the second anniversary of the Office, two panels were organized in New York and Geneva to discuss the role of the Ombudsman. The panels were chaired, respectively, by the Deputy Secretary-General and the Director-General of the United Nations Office at Geneva. Town hall meetings have taken place with all major departments of the United Nations Secretariat. In many instances, staff away from Headquarters participated through videoconferencing. The Office also regularly participates in induction and orientation programmes and in similar briefings.

58. The Ombudsman has held regular meetings with all heads of department as well as with all the executive secretaries of the regional commissions, Special Representatives of the Secretary-General, directors of administration/chief administrative officers of peacekeeping missions and chief civilian personnel officers. Regular meetings have also been held with the Coordinating Committee for International Staff Unions and Associations of the United Nations System, the various staff councils, and staff representatives at Headquarters and all duty stations visited. Those meetings provided opportunities for the Ombudsman to explain her role and functions and to gain a better understanding of operational requirements on the ground. The Office continued to engage all departments and divisions in discussions on conflict resolution and on the role and functions of the Ombudsman. The Ombudsman has also maintained regular contacts with all units dealing with conflict resolution, including the Ethics Office, the secretariat of the United Nations Administrative Tribunal, the Joint Appeals Board, the Panel of Counsel, gender focal points, the Panels on Discrimination and Other Grievances, and the Conduct and Discipline Unit.

Field visits

59. Over the past five years the Ombudsman and her staff have visited, at least once, all the Offices away from Headquarters, all the regional economic commissions and most peacekeeping missions. Staff members are notified in advance about planned visits. Individual complaints are received and reviewed, quickly and impartially, and appropriate outcomes are secured.

60. To gain a better understanding of the issues and to preserve the confidentiality of individual visits in environments where staff often feel constrained, the Ombudsman will call staff at random for interviews. Discussions are held with senior management on systemic issues and also to seek solutions to individual problems. In all visits, town hall meetings are organized for all staff members. Chaired by the head of each office, such meetings provided an opportunity for the

Ombudsman to brief the staff on the role of the Office and to hold question-and-answer sessions. Each visit ends with a debriefing for the head of office or Mission in order to present the observations and general recommendations of the Ombudsman. At the conclusion of each visit, staff members have an increased awareness of the existence and workings of the Office and of how to raise issues with it.

Networking with other United Nations system Ombudsmen

61. The first meeting of Ombudsmen and Mediators of the United Nations system and Bretton Woods institutions was held at the United Nations Secretariat in New York in May 2003. Subsequently, meetings were hosted by the International Labour Organization in Geneva in April 2004, the United Nations Office at Geneva in October 2005, the World Food Programme in Rome in September 2006 and the African Development Bank in Tunis in June 2007. The participants have now been organized into an informal network, Ombudsmen and Mediators of the United Nations and related international organizations. The network includes ombudsmen and mediators serving 21 different entities.

62. The annual meetings provide opportunities for professional exchanges, the sharing of best practices and the strengthening of inter-agency cooperation, in a manner that maintains each organization's autonomy. The network has made special efforts to facilitate the harmonization of the different practices of its members.

Cooperation with professional organizations

63. Since its inception, the Office has maintained a close relationship with the International Ombudsman Association (IOA), previously known as The Ombudsman Association. That relationship has been particularly beneficial, as it enables the Office to seek advice from and share experiences with organizational ombudsmen on standards, codes of conduct and best practices, and to participate in training provided by IOA. Staff members of the Office have also participated in training programmes in mediation and negotiation skills offered by Columbia University Law School and Cornell University and have received the relevant certification.

VI. Monitoring of performance and assessment of impact

64. Since its inception, the Office of the Ombudsman has designed and maintained a five-year evaluation plan using external experts in order to carefully monitor the impact and assess the credibility of the Office. In December 2003, the first assessment of its operations was undertaken by external conflict-resolution experts (see A/61/524). The review provided useful feedback and recommendations for corrective measures.

65. A midterm evaluation was carried out in December 2005. The independent evaluators invited and received extensive feedback about the Office from staff and also met with key officials and staff representatives at Headquarters, at offices away from Headquarters and in peacekeeping missions. Among other observations, the reviewers expressed concern about the possible consequences of insufficient staffing of the Office of the Ombudsman, recognized the importance of assigning Ombudsmen to various regions and provided some technical comments aimed at further improving the daily operations of the Office (A/61/524, paras. 79-82).

Five-year-term assessment of the Office of the Ombudsman

66. In May 2007, a panel of independent experts conducted an overall assessment of the first five years of the Office's operations. The review had the following objectives: to assess the extent to which the Office had made available the services of an impartial and independent person to address the employment-related problems of staff members; to analyse the strengths and shortcomings of the Office; and to recommend changes aimed at making the Office a more useful tool for resolving problems within the Organization. As part of the review and in order to assess staff members' awareness of and satisfaction with the services provided by the Office of the Ombudsman, the experts invited and received extensive feedback from staff through an online survey as well as from key officials and staff representatives from Headquarters, offices away from Headquarters and peacekeeping missions. The main conclusions of the Panel were as follows:

(a) There has been a steady increase in the number of cases referred to the Ombudsman, from approximately 35 cases per month in 2004 to about 60 cases per month in the first four months of 2007. That increase, in combination with the increasing need to attend to cases in the field, has stretched the resources of the Office to the point where inadequate follow-up or longer waiting times for new cases could result and have an adverse effect on the effectiveness of the Office;

(b) Cases are becoming more complex. When the Office was first established, it dealt with relatively simple issues related mostly to staff entitlements and benefits. More recently it has been handling group issues affecting entire units. Such work has been perceived to be both welcome and highly effective. However, it requires extensive work and consultations with many people in the Organization. There is an urgent need to secure the funds necessary to staff the additional positions that have been authorized by the General Assembly;

(c) The Office received high praise for being accessible and for its scrupulous attention to maintaining confidentiality. Survey respondents also commended the Office, giving it high marks for empathy, helpfulness, the positive attitude of the Ombudsman and the respectful treatment received by visitors;

(d) Some aspects of the service have been identified as needing improvement. These include better communication on follow-up of cases and easier access from remote field locations and by lower-level ranks of staff who do not have easy access to confidential phone lines or e-mail or do not have computer literacy. Improvement of those two services is unlikely until the resources available to the Office are considerably enhanced;

(e) There is still a need to clarify the role of the Office and to make staff aware that the Ombudsman has no power of adjudication in any dispute. Nor may the Ombudsman execute settlements that may not have been implemented. In some interviews, staff expressed frustration that the Office had not resolved their cases but merely pointed them in the direction of other sources of help. In some interviews, staff expressed the view that the Ombudsman should in some instances assume the role of an advocate rather than that of an impartial and neutral facilitator. There seems to be an expectation that the Ombudsman should behave more as a classic ombudsman (protecting staff against abuse and publicizing findings and recommendations) and not as an organizational ombudsman (operating in a private, confidential manner to help staff and management resolve their disputes

themselves). Such perceptions should gradually disappear as the system matures, but the high rate of staff rotation (particularly in peacekeeping missions) suggests that a sustained communication effort will be necessary;

(f) The Panel notes that the Ombudsman's interactions with senior management have changed since the first year of the Office's operation. Whereas formerly some managerial resistance or even defensiveness had been noted, it now seems to be the case that when a manager is approached by the Ombudsman, he or she no longer views her as an advocate for the staff complainant but rather as someone who can alert the manager to the possible existence of a problem within the manager's office and can provide an informal mechanism for resolving the problem;

(g) In recent reports to the Secretary-General and to the General Assembly, the Ombudsman has demonstrated an increasing ability to identify systemic issues and urge managerial intervention to resolve deep-rooted problems. That should always be an important role for an ombudsman; it is particularly valuable in this period of substantial organizational transformation of the United Nations system;

(h) The Panel believes that with additional resources the Office could hold more frequent and regular meetings with key senior managers, staff associations and other offices within the United Nations, particularly the Ethics Office. Such meetings are essential in order to identify systemic problems that require attention by the Organization as a whole. The Ombudsman can play a vital role in the fostering of better coordination across departments and units, thus ensuring that problems are managed in a coherent way;

(i) The Panel concluded that, even though adjustments are still necessary, there is general satisfaction with the services provided by the Office. The demand for those services is likely to grow as the Office becomes better known and better understood. The challenge is to keep monitoring the capacity of the Office to ensure that it is sufficient to absorb and process the caseload and provide adequate and timely follow-up. Otherwise, there is a risk that the Office's image could deteriorate, and that cases that could have been handled by the Ombudsman might be diverted to the formal system, with its attendant costs and congestion, thus replicating conditions that existed before the creation of the post of Ombudsman.

VII. Redesign of the system of administration of justice and its implications for the Office of the Ombudsman

67. In June 2005 the General Assembly decided that the Secretary-General should form a panel of external and independent experts to review and redesign the system of administration of justice. The report submitted by the Redesign Panel to the General Assembly in July 2006 (A/61/205) includes findings and recommendations with significant implications for the future of the Office of the Ombudsman.

68. The Redesign Panel noted, inter alia, that "The Office of the Ombudsman holds the most promise as a viable and integrated alternative dispute-resolution institution" (para. 39) and recommended that the Office of the Ombudsman be substantially strengthened and decentralized with a merger of the existing Offices of Ombudsmen in the Secretariat and funds and programmes, in order to "offer coherence and consistency throughout the Organization by directing the problems of

all staff members regarding contract disputes, entitlements, standards of conduct (including abuse of authority and retaliation), non-renewal or termination issues, questions of career advancement and the like to a single office" (para. 48). It was further determined that such a consolidated informal dispute-resolution system would "give the Ombudsmen a privileged position from which to monitor systemic problems and to recommend solutions" (para. 48). The cost-effectiveness of such an arrangement and the benefits for staff in the field were also highlighted.

69. The Panel also proposed the establishment of a Mediation Division within the Office of the Ombudsman to provide formal mediation services for the Secretariat and the funds and programmes, staffed with professional mediators. The Panel also recommended the further decentralization of the Office through the appointment of regional Ombudsmen in Nairobi, Geneva, Amman/Beirut, Bangkok, Santiago/Panama City, and Addis Ababa/Johannesburg, as well as in the three largest peacekeeping missions (paras. 52-53).

70. Furthermore, the Redesign Panel proposed a new system for the appointment of the United Nations Ombudsman through the creation of a joint selection committee including representatives of staff and management as well as distinguished outside Ombudsmen (see A/61/205, para. 165).

71. The findings of the Redesign Panel were discussed at the seventh special session of the Staff-Management Coordination Committee, held in Nairobi in January 2007, which fully endorsed the proposals regarding the informal justice system. Those findings were also reflected in the note by the Secretary-General on the Redesign Panel on the United Nations system of administration of justice, submitted to the General Assembly in February 2007, which recognizes, inter alia, that "A strong system of informal dispute resolution is needed in order to avoid unnecessary, costly litigation and to promote early problem-solving in disputes between managers and their staff" (A/61/758, para. 12).

72. On 30 April 2007, in resolution 61/261 the General Assembly decided "to create a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes" (para. 12), and requested the Secretary-General "to identify three posts for the Office of the Ombudsman for Geneva, Vienna and Nairobi" (para. 13). Also, "Emphasizing the need for the Ombudsman to encourage staff to seek resolution through the informal system" and affirming mediation as "an important component of an effective and efficient informal system of administration of justice", it decided to formally establish a Mediation Division located at Headquarters within the Office of the United Nations Ombudsman to provide formal mediation services for the United Nations Secretariat, funds and programmes (paras. 14-16).

73. As an initial step towards a single integrated Office of the Ombudsman, the offices concerned (the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson UNDP/UNFPA/UNICEF/UNOPS and the UNHCR Office of the Mediator) are cooperating in the process of exploring ways to harmonize practices. In addition, the prospect of the establishment of regional offices in the near future is promoting close collaboration at the regional level. Initial steps towards the establishment of a Mediation Division are being taken within existing resources, until the matter of funding is further addressed by the General Assembly at its sixty-second session.

VIII. Future directions

74. The first five-year term of the Office of the Ombudsman was devoted to the establishment and consolidation of the Office. During that period, the mechanism, despite its limited resources, became fully operational, well known and well accepted at the United Nations.

Increasing the capacity of the Office

75. As awareness of the Office has grown among staff, the demand for its services has substantially increased. That increase, in combination with the growing number of staff in the field, has stretched the resources of the Office to the point where inadequate follow-up or longer waiting times for new cases could result and thus have an adverse effect on the effectiveness of the Office. In addition, since the Office's inception, the cases brought to it have become increasingly complex, with a greater risk of serious repercussions. New methodologies have had to be adopted to address, for instance, multiparty conflicts, but with the same limited resources. At a time when the credibility of the informal conflict-resolution system seems to be established both internally and in intergovernmental forums, the provision of additional resources is essential for the survival and success of the system. Additional resources are essential so that the Office can further improve its response time, particularly with respect to keeping visitors informed of the efforts of the Office and of the status of their cases.

Establishing regional branches

76. As the operation of the Ombudsman expands, the appropriate mechanisms should be put in place in the branch offices. These include:

(a) Introduction of standard operating procedures, to ensure that visitors and issues are taken into consideration in the same manner at all Offices of the Ombudsman, regardless of location. The new branches will benefit from the experience acquired at Headquarters, which will be reflected in these procedures. Induction training at Headquarters and common training programmes for the staff of the Ombudsman Offices will ensure the uniform implementation of the procedures;

(b) Clear reporting lines will need to be established. The confidentiality, independence, neutrality and impartiality that are spelled out in the terms of reference of the United Nations Ombudsman and the oath of office will apply equally to the Chiefs of Branch and their personnel;

(c) Data collection will be initiated. Identical data-reporting categories and compatible software to collect and store the data will be introduced. Such uniformity will facilitate both the issuance of comprehensive reports and the understanding of the specificities of each branch. The referral of cases from one branch to the other or to United Nations Headquarters might, in some cases, accelerate the resolution of staff problems.

Cooperation with all offices

77. To be able to make effective recommendations, the Office relies on the cooperation of other offices. The support provided by the staff associations and senior management has been most commendable. That support is particularly

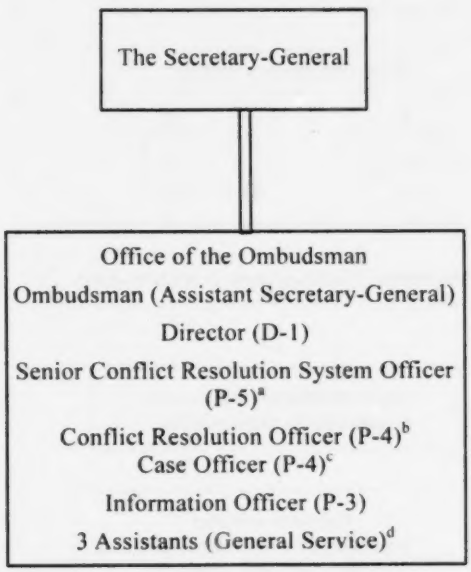
essential as the Office moves from its first term to what is likely to be a very challenging period, with expanded responsibilities that include an enhanced mediation function under the new system of administration of justice. Cooperation with the Department of Peacekeeping Operations has developed from frequent (weekly) coordination on specific cases to the establishment of a focal point within the Department of Field Support to jointly review all cases submitted to the Ombudsman. That has greatly expedited the resolution of mission cases, and the possibility of establishing similar focal points in other key offices should be further explored.

Clarifying the role of the Ombudsman

78. A key finding in the global survey of staff showed a need to further clarify the role of the Ombudsman and ensure that the Ombudsman's mandate is better understood. Many continue to expect the Ombudsman to adjudicate their complaints. The Office should continue to highlight in the literature that it distributes what the Ombudsman will and will not do. So as to clarify any misconceptions, anonymous case scenarios protecting the identity of the persons involved and preserving the confidentiality of the process while accurately describing all the steps taken by the Ombudsman to address a particular case could be prepared and included on the website of the Office.

Annex I

Organization chart of the Office of the Ombudsman as at July 2007



[a] The recruitment of the Senior Conflict Resolution System Officer (P-5) is under way.

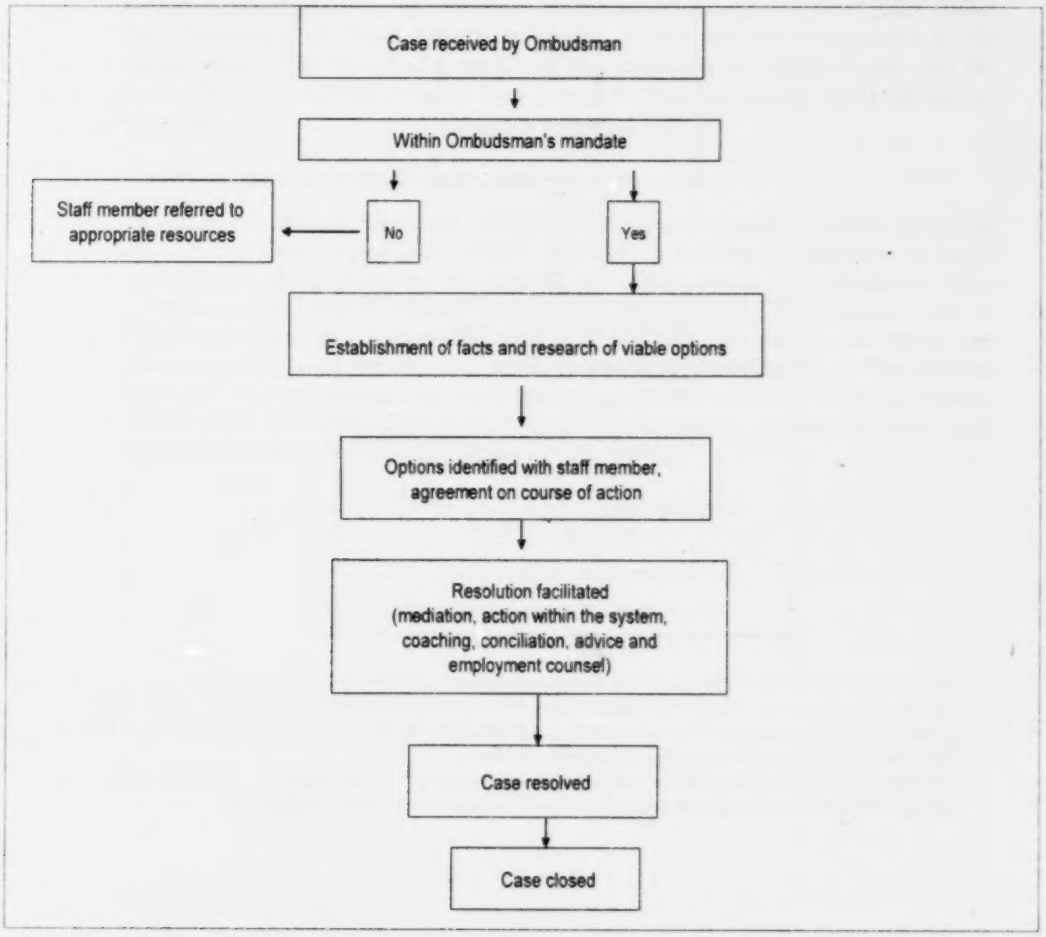
[b] The position of Legal Officer is being redeployed as Conflict Resolution Officer to comply with General Assembly resolution 61/261 creating a Mediation Division within the Ombudsman's Office.

[c] The Case Officer position is Support Account-funded.

[d] The Assistants include the Ombudsman Personal Assistant (G-6), an Administrative Assistant (G-5) and an Information Management Assistant (G-5), whose recruitment is under way.

Annex II

The case-handling process


Case received by Ombudsman
Within Ombudsman's mandate
Staff member referred to appropriate resources
No
Yes
Establishment of facts and research of viable options
Options identified with staff member, agreement on course of action
Resolution facilitated (mediation, action within the system, coaching, conciliation, advice and employment counsel)
Case resolved
Case closed

Source: Office of the Ombudsman, August 2007.